



COPY OF PAPERS
ORIGINALLY FILED

2165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15
I-9-02

In re application of:

Handel et al.

Application No.: 09/196,338

Filed: November 19, 1998

Title: A PERSONALIZED PRODUCT REPORT

Attorney Docket #: AND1P029

Examiner: M. Kemper

Group Art Unit: 2165

RECEIVED

FEB 04 2002

Group 2100

Commissioner for Patents
BOX FEE AMENDMENT
Washington, D.C. 20231

I hereby certify that this paper is being deposited on
December 27, 2001, with the U.S. Postal Service as
under 37 CFR 1.10 as first class mail addressed to:
Commissioner for Patents, BOX FEE AMENDMENT,
Washington, D.C. 20231

Philip W. Wheeler
Philip W. Wheeler

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the following information.

It is respectfully submitted that this case was recently assigned to the undersigned attorney for continued prosecution. The attorney who originally filed this case, L. Keith Stephens, Registration Number 32,632, is now deceased. A first Petition to Make Special was filed in this case on December 13, 1999. This Petition to Make Special was based on a careful and thorough search. This Petition to Make Special was filed in this case on the basis that "an infringing device or product is actually on the market and/or an infringing method is actually in use (MPEP 708.02(II)(A))" and that "a rigid comparison of the alleged infringing device, product or method with the claims of the application [was made], and in [the] opinion [of the submitter] some of the claims are unquestionably infringed (MPEP 708.02(II)(B))." Keith Stephens also indicated that he "made a careful and thorough search of the prior art. (MPEP

708.02(II)(C))." The Petition to Make Special based on infringement was granted. The decision on the Petition to Make Special based on infringement was mailed on February 2, 2000. Due to the death of Mr. Stephens, we are unable to discuss the petition with Mr. Stephens in order to confirm the accuracy of the statements made by Mr. Stephens. Accordingly, the Applicant requests that the Patent Office not rely on any statements made in the previously submitted Petitions. The Patent Office may take whatever action it deems appropriate including withdrawal of this application from Special Status.

Applicant would appreciate the Examiner initialing and signing a copy of this Information Disclosure Statement, transmitted herewith, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.


In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to
Deposit Account No. 50-1901 referencing **AND1P029**.

Dated: December 27, 2001.

Respectfully submitted,

BOWMAN-AMUAH

By: 

Steven C. Lieske, Reg. No. 47,749
OPPENHEIMER WOLFF & DONNELLY LLP
45 South Seventh Street, Suite 3300
Minneapolis, Minnesota 55402
Telephone: 612-607-7508
Fax: 612-607-7100
E-mail: SLieske@oppenheimer.com